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TO RUEHC/SECSTATE WASHDC PRIORITY 0314  
INFO RUEHEE/ARAB LEAGUE COLLECTIVE  
RUCPDO/DEPT OF COMMERCE WASHDC  
RUEAUSA/DEPT OF HHS WASHDC  
RUEAWJB/DEPT OF JUSTICE WASHDC

UNCLAS SECTION 01 OF 02 AMMAN 003815

SIPDIS

SENSITIVE  
SIPDIS

STATE FOR EB/TPP/IPE (KEATS, BOGER), NEA/ELA (RANA, ALLEN)  
STATE PLEASE PASS TO USTR (SAUMS, GROVES)  
STATE PLEASE PASS TO AID  
COMMERCE PLEASE PASS TO USPTO

E.O. 12958: N/A

TAGS: [ECON](#) [ETRD](#) [KIPR](#) [PGOV](#) [JO](#)

SUBJECT: JORDAN ISSUES FIRST JAIL SENTENCE FOR SOFTWARE PIRACY

11. (U) Summary: Jordanian judge Nihad al-Hisban, a recipient of U.S. Patent and Trademark Office (USPTO) training, recently issued the first-ever jail sentence and a significant fine for software piracy in Jordan. This represents a tremendous step forward for prosecution of intellectual property (IP) violations in Jordan that will serve to deter future copyright crimes. The National Library has forwarded 233 cases of alleged copyright violations to Jordan's General Prosecutor in 2007. The Business Software Alliance (BSA) has commended Jordan for reducing software piracy by two percentage points in 2006 and keeping software losses to piracy at a steady level. End Summary.

#### HISTORIC JAIL SENTENCE FOR SOFTWARE PIRACY

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12. (U) Jordan's First Instance Court of Amman recently sentenced a local computer system builder, caught by Jordanian law enforcement loading hard-disk pirated software on computers sold at his establishment, to a three-month jail term and a fine of JD 1,000 (\$1,400). Microsoft, a member of the BSA, filed the lawsuit after it was determined that the culprit's shop was selling pirated software with the intent to generate profit.

13. (U) BSA's legal counsel in Jordan, Tawfiq Tabbaa, praised the decision to Econoff, noting that this was the first-ever jail sentence for software piracy. COMMENT: The fine was also significantly higher than the 50-100 JD penalties typically issued in the past. END COMMENT. BSA has hired a public relations firm to highlight this case in the media, as a way to deter other IP violations.

#### SOFTWARE PIRACY DROPPING IN JORDAN

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14. (U) Tabbaa highlighted that the 2006 BSA Piracy Study found that software piracy in Jordan had decreased two percentage points to 61 percent, and that software piracy losses in Jordan had been kept at the steady level of \$19 million in 2006. Jordan was only one of three countries in the region to accomplish this feat, according to BSA. Given that retail shops selling pirated software, DVD's, and CD's still seem to be springing up in Jordan, Tabbaa noted that this trend was due more to companies becoming increasingly sensible in buying licensed software for their businesses.

#### EFFORTS TO STRENGTHEN JUDICIAL IP CAPACITY

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15. (U) Mamoun Talhouni, the Director of the National Library responsible for copyright enforcement, commented to Econoff that the

recent court decision was critical for deterring future piracy and further bolstering serious efforts by the Government of Jordan (GOJ) to protect IP rights, which have helped change the mentality of people by making them think twice before committing an IP crime. He reported that the National Library has referred a total of 1,869 cases to the General Prosecutor, 233 of which were forwarded between January 1 - August 31, 2007. The National Library has also made approximately ten requests to the Court to permanently close shops with copyright violations. Talhouni noted that the National Library often has to raid a shop and confiscate goods several times because a court decision is legally needed for permanent closure.

16. (SBU) As part of his efforts to push for stricter sentences on copyright violations, Talhouni recently met with the Minister of Justice and head of the Judicial Council, who unofficially agreed to designate specialized IP judges and district attorneys in each of Jordan's courts. In coordination with the Government of Jordan, the USAID-funded SABEQ program is also designing an IP Judicial Training Program to support the development of a nucleus of trained specialized judges responsible for resolving intellectual property disputes and training a second generation of specialized judges. Jordan also recently sent eight judges to participate in the September USPTO training in Munich.

17. (SBU) COMMENT: Jordan has instituted significant legislative change in IP over the last few years in part due to commitments under the Jordan-U.S. Free Trade Agreement. While the Jordanian courts are receiving an increasing number of copyright and trademark infringement cases, prosecution still remains weak, and the GOJ has been extremely receptive to exploring various ways to strengthen this capacity. USPTO training has been critical to building world-class knowledge of IP laws and policy among Jordanian judges, as demonstrated by Judge al-Hisban's participation in previous USPTO training and her subsequent historical sentence for software piracy in Jordan.

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